



#25/~~reconsideration~~
PATENT 3-11-03
Docket No. 5000-4679
JH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mamoru Kuzuya, et al.

Group Art Unit: 3682

Serial No.: 09/379,651

Examiner: Vicky A. JOHNSON

Filed: August 24, 1999

For: **AXLE HOUSING ASSEMBLY**

RECEIVED

MAR 04 2003

GROUP 3600

COMMISSIONER OF PATENTS
Washington, D.C. 20231

RESPONSE

Sir:

In response to the Office Action dated October 22, 2002, Applicants respectfully request reconsideration and allowance of this application in view of the following remarks.

Status of the Claims

Claims 1-13 are currently pending in the present application. Each of the pending claims stands rejected.

Rejections Under 35 U.S.C. § 103

Claims 1-10, 12 and 13 have been rejected under 35. U.S.C. §103(a) "as being unpatentable over Funke (DE 2906708) in view of Asaoka (JP 05169906)." Claim 11 has been rejected under 35. U.S.C. §103(a) "as being unpatentable over Funke (DE 2906708) in view of Pegg." Because Applicants respectfully submit that the Examiner's interpretation of Funke is erroneous each of these rejections will be addressed simultaneously.

The Examiner alleges that Funke discloses "a differential housing (11), a cover (30) attached to the differential housing (see Figure 2) with an integrally formed housing body

(8).” Office Action dated October 22, 2002 at p. 2. Applicants respectfully submit that this assertion is incorrect and shows a misunderstanding of Funke. Member 11 disclosed in Funke is rotatably attached to the housing body 8. Thus, member 11 is different from the differential housing disclosed in the present invention.

Independent claims 1 and 7 are directed to an axle housing assembly. This assembly comprises, inter alia, an axle housing having a differential housing and a cover attached to the differential housing, the differential housing having an integrally formed housing body. The axle housing is mounted to the base frame by the support means. Further, the differential housing of the axle housing is secured at the convex repulsive force receiving member to the support means, not the base frame.

Funke discloses that the housing body 8 is directly secured to the support means 5 by a bolt 17. (Funke Figures 1 and 2). The Examiner erroneously asserts that member 11 corresponds to the differential housing of the present invention. Office Action dated October 22, 2002 at p. 2. In fact, housing body 8, not member 11, corresponds to the differential housing of the present invention. Member 11 disclosed in Funke is rotatably attached to the housing body 8. In this regard, member 11 is different from the differential housing of the present invention. Accordingly, the disclosure in Funke is different from the present invention wherein the axle housing of the present invention is supported at a supporting portion and receives repulsive force at a receiving portion not the supporting portion. That is, Funke does not disclose or suggest the repulsive force receiving member of the present invention. Neither Asaoka nor Pegg does anything to remedy this deficiency.

Applicants respectfully submit that Funke in view of Asaoka or Pegg, individually or in combination, does not disclose or suggest an axle housing assembly as recited in

independent claims 1 and 7. Because the cited references fail to teach, disclose or suggest all the elements of independent claims 1 and 7 and because there is not proper motivation for the proposed modification, withdrawal of the rejection and allowance is respectfully requested.

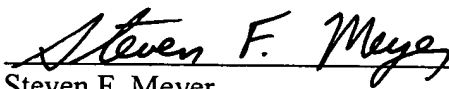
CONCLUSION

For the foregoing reasons, it is believed that all of the claims as presently presented, are patentable, and that this application is now in allowable condition.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 24, 2003

By:


Steven F. Meyer
Registration No. 35,613

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile